



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 13

Charles J. Brumlilk
Mathews, Collins, Shepherd & McKay, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540-3662

AUG 7 2003

| | | |
|---------------------------------|---|---------------------|
| In re Application of | : | |
| Frederic Zenhausern | : | DECISION ON REQUEST |
| Application No.: 09/407,581 | : | FOR RECONSIDERATION |
| Filing Date: September 28, 1999 | : | |
| Attorney Docket No.: 4467-103US | : | |

This is a decision on the request for reconsideration filed via facsimile transmission on July 8, 2003. The requester requests reconsideration of the "Petition to Withdraw the Notice of Abandonment" that was filed via facsimile transmission on May 27, 2003. The noted petition was denied in a decision dated June 6, 2003.

Upon reconsideration, the petition is GRANTED.

On February 11, 2003, a Notice of Abandonment was mailed indicating that the reply of October 7, 2002 was not timely since the period for reply (including the 3-month extension of time) had expired on September 27, 2002. In the petition of May 27, 2003, petitioner asserted that it was timely because it was submitted with a Certificate of Mailing dated September 27, 2002. The original Certificate of Mailing was not in the application file.


In the decision of June 6, 2003, the petition was denied on the basis that the copy of the Certificate of Mailing sent in with the petition was on a separate sheet of paper and did not fully identify the paper it accompanied as required by MPEP § 512. More specifically, the copy of the Certificate of Mailing did not include the application number and filing date of the application, and the copy of postcard receipt sent in with the petition did not specifically identify the missing original Certificate of Mailing.

In the request for reconsideration, the requester requests that the totality of the facts be considered in view of the Declaration from Moira Selinka (the person who signed the noted Certificate of Mailing) provided with the request. Requester, while noting that the Certificate of Mailing should have included the application number and filing date of the application, points out that the copy of the executed Certificate of Mailing fully identified each submitted paper by "Amendment, 3-month Extension of Time, and Form PTO 1449 and 2 references."

In light of the fact that the copy of the Certificate of Mailing listed the specific items of the

October 7, 2002 response and in light of the Declaration from Moira Selinka attesting that the original Certificate of Mailing was securely attached to the response filed in reply to the Office action dated March 27, 2002 in application Serial No. 09/407,581, the petition of May 27, 2003 as supplemented by the request for reconsideration filed July 8, 2003 is GRANTED. The Notice of Abandonment mailed February 11, 2003 is hereby VACATED and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response of October 7, 2002. The application will then be forwarded to the examiner for appropriate action in due course.



Howard N. Goldberg, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components